

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT C. SIPES,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner
of the Social Security Administration;

Defendant.

4:12CV3024

ORDER

This matter is before the court on the Defendant's Motion to Alter or Amend, [Filing No. 37](#). The EAJA provides for interest on an award only when the United States appeals an award and the award is affirmed at least in part. See [28 U.S.C. § 2412\(f\)](#); [Anderson v. Astrue](#), 2012 WL 5468784, *5 (S.D. Ala. 2012) ("while the EAJA provides for recoupment of the filing fee and interest where the Government loses a challenge on appeal of either the amount of or entitlement to an EAJA award, the statute clearly does not provide for interest where there has been no appeal"); see also [Library of Congress v. Shaw](#), 478 US. 310, 311 (1986) (superseded in part on other grounds by statute) ("interest cannot be recovered in a suit against the Government in the absence of an express waiver of sovereign immunity from an award of interest."). Accordingly,

IT IS ORDERED:

1. The Defendant's Motion to Alter or Amend ([Filing No. 37](#)) is granted.
2. The Clerk's Office is ordered to strike from the docket sheet the Judgment (Filing No. 35) filed on May 23, 2014, and Amended Judgment (Filing No. 36) filed on June 4, 2014.
3. A Second Amended Judgment will issue this date.

DATED this 12th day of June, 2014.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge